

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANYLL MERCADO,

Plaintiff(s),

v

CHARLES L. BROWN,

Defendant(s).

CIVIL ACTION NO.05-70078

DISTRICT JUDGE AVERN COHN
MAGISTRATE JUDGE PAUL J. KOMIVES

**ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DISMISSING COMPLAINT WITHOUT PREJUDICE**

The Court has reviewed the file and the Magistrate Judge's Report and Recommendation dated August 17, 2005. No objections have been filed. The Report and Recommendation of the Magistrate Judge is hereby accepted and entered as the findings and conclusions of the Court.

IT IS HEREBY ORDERED that the complaint is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Plaintiff's pending motions are DENIED.

IT IS FURTHER ORDERED that the Defendant's Motion to Dismiss is DENIED AS MOOT for lack of prosecution.

SO ORDERED.

Dated: September 30, 2005

s/ Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE